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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,104	04/11/2005	Kimmo Laiho	006559.00008	2704
22907 7590 01/24/2008 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER DANG, KHANH	
			ART UNIT 2111	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/531,104

Applicant(s)

LAIHO, KIMMO

Examiner

Khanh Dang

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**The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 8, 11, 15, 16, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 9 are directed to an apparatus. However, the essential structural cooperative relationship(s) between the so-called "means to send a reset" and "means for detecting" and other recited elements in the claim have been omitted, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. Note that the so-called "means for detecting the loss" is claimed as a separate means other than the so-called "means for detecting the presence."

MPEP 2172.01 requires that relationships between elements recited in the claims must be specified. Specifically, MPEP 2172.02 requires interrelation and structural relationships between essential elements in the claims. Therefore, it is the Examiner's position that the claimed elements, as defined in the originally filed specification and as identified above, are essential elements to the claimed invention. Since they are essential elements as defined in the originally filed specification, their structural cooperative relationships must be provided in the claims. Further, it is also the Examiner's position that the claimed elements, as identified above, function simultaneously, are directly functionally related, directly inter-cooperate, and/or serve independent purposes, as evidenced from the originally filed specification.

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If Applicants disagree with the Examiner that the above identified elements, as defined by the originally filed specification, are essential elements to the claimed invention, and that the above identified elements are directly functionally related, directly inter-cooperate, and/or serve independent purposes, it is requested that Applicants provide evidences showing that the identified elements are not essential elements to the claimed invention, do not function simultaneously, are not directly functionally related, do not directly inter-cooperate, and/or do not serve independent purposes; and state on the record that this is the case.

In claims 11, 14-16, and 18, it is unclear whether the so-called "ports" or "USB ports" are ports provided by a USB cable, which is not a part of the claimed device or USB ports provided integrally with the device to provide connections to a USB bus via a USB cable.

In claim 7, the language "the device is arranged ... another host" cannot be ascertained in view of the specification ([0028]).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

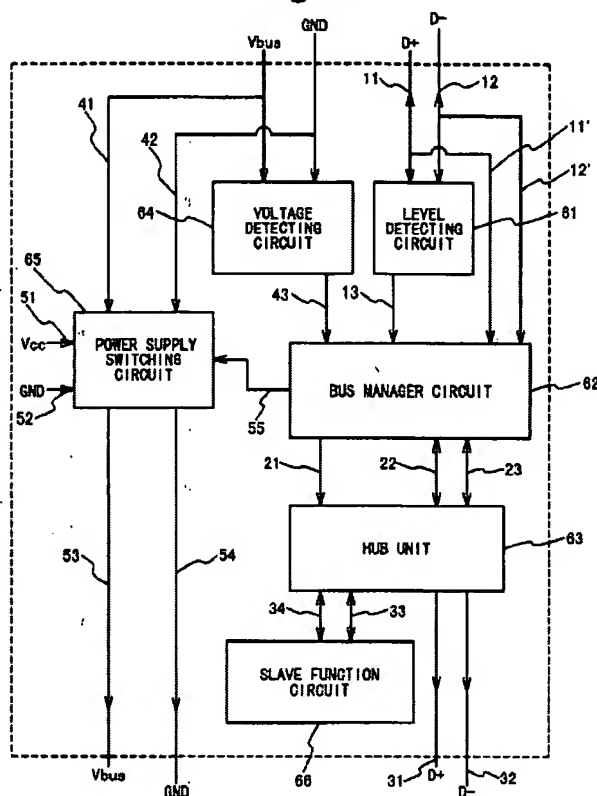
Claims 1-11, 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Oguma (6516205, cited by Applicants).

As broadly drafted, claims 1-11 and 14-19 do not define any structure/step that differs from Oguma.

With regard to claim 1, Oguma discloses a device operable as a host device (as shown generally in Fig. 3, which is reproduced below for ease of convenience and reference, the portable device comprises a bus manager circuit can be operable as a host device)

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Fig. 3



comprising: a port connected to a bus (as shown in Fig. 3, USB port of the portable device provides connection to the USB bus comprising Vbus, GND), means for detecting the presence of another host connected to the bus and for relinquishing host status in response thereto (the voltage detecting circuit 64 is readable as the so-called "means for detecting." When the detecting circuit 64 detects presence of another host 1 connected to the USB bus, the host status of the portable device is relinquished. See at least column 2, lines 39-57, column 4, line 65 to column 6, line 17).

With regard to claim 2, the host provides power supply for providing a supply voltage on a voltage supply line (Vbus GND) of the bus.

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With regard to claim 3, since the portable or mobile phone of Oguma is a USB connected phone for providing USB connection to a USB host, it is clear that voltage supply to the USB phone is less than the minimum allowed voltage on the USB bus.

With regard to claim 4, it is clear from discussion above that the voltage detecting circuit detects a change in voltage on a voltage supply line of the bus, thereby detecting the presence of the other host. See at least column 2, lines 39-57, column 4, line 65 to column 6, line 17).

With regard to claim 5, it is clear from discussion above that the change is an increase.

With regard to claim 6, by definition, a voltage detector (as in Oguma) is basically a voltage comparator for comparing a supply voltage with a reference voltage to detect a change in voltage.

With regard to claim 7, as best the Examiner can ascertain from the language of the claim, in Oguma, the portable device is arranged for causing at least some lines Vbus GND, D lines of the port to be forced tri-state such as suspended, active, and unavailable states, on detecting the presence of another host.

With regard to claim 8, according to USB standard, upon discover a connected host, a reset signal is sent to a USB slave.

With regard to claim 9, see discussion above and at least column 2, lines 39-57, column 4, line 65 to column 6, line 17.

With regard to claim 10, see discussion above regarding claims 1 and 6 and at least column 2, lines 39-57, column 4, line 65 to column 6, line 17.

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With regard to claim 11, it is clear from Figs. 1 and 2 that the device includes first and second ports.

With regard to claim 14, see discussion above regarding claim 1.

With regard to claim 15, it is clear that a USB cable must be provided for USB connection between the USB devices. Thus, the ports of the USB cable of the USB portable device as shown in Fig. 1, linked together by the USB cable to provide connection to the host.

With regard to claim 16, as discussed in claims 1 and 15, the device is a mobile telecommunications device comprising first and second USB ports each connected to a USB bus, and at least one USB slave.

With regard to claim 17, see discussion above.

With regard to claim 18, it is clear that a USB slave can be connected to the portable device. See at least Fig. 1.

With regard to claim 19, see discussion above regarding claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oguma.

As discussed above, Oguma discloses the claimed invention except for the inclusion of the bus manager circuit responsible for providing a host status to the portable device, to a battery pack for providing power supply to the portable device 5.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the bus manager responsible for priding the host status to the portable device, to the battery pack of the portable device, since the battery pack is always an integral part of the portable device, and further moving the manager circuit to the battery pack only involves ordinary skill in the art.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oguma.

As discussed above, Oguma discloses the claimed invention including the use of a portable device such as a portable phone.

However, Oguma does not disclose that the portable device is capable of receiving video broadcast.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the portable device with capability of receiving video broadcast, since providing a portable device such as a portable or mobile phone with a capability of receiving video broadcast is old and well-known, and only involves ordinary skill in the art as evidenced by the fact that every smart phone is able to connect to the internet for downloading audio and video contents.

Relevant Art

US Patent Nos. 7200685, 5884086, 6415342, 7185132, 7024504, and 7159132 are cited as relevant art.

US PG Pub Nos. 2007/0260783 is cited as relevant art.

Non Patent Literature/Printed documents: "USB On-The-Go Presents Benefits, Challenges to Power Designers" and Definition of USB from Wikipedia are also cited as relevant art.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dang whose telephone number is 571-272-3626.

The examiner can normally be reached on Monday-Friday from 9:AM to 5:PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dang
Primary Examiner